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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,839	04/02/2001	Masao Tsuruta	Q60559	8477

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
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WASHINGTON, DC 20037-3213

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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07/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/822,839	Applicant(s) TSURUTA, MASAO	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/19/07; 2/14/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to the Board Decision of June 12, 2006 and to the Information Disclosure Statements filed on October 19, 2007 and February 14, 2008. In view of the newly discovered reference, Japanese Publication 59-188428, submitted by applicant in the above-referenced information disclosure statements, a new grounds of rejection is necessitated. Rejection(s) based on the newly cited reference(s) follow.

Information Disclosure Statement

2. The information disclosure statements filed on October 19, 2007 and February 14, 2008 have been received and the references listed thereon have been considered.

Claim Objections

3. Claims 1, 2 and 4 are objected to because of the following informalities:

In claim 1, line 8, "discharge" should read --discharging-- for clarity and consistency.

In claim 2, line 3, "supply" should read --supplying-- for clarity and consistency.

In withdrawn claim 3, line 2, "discharge" should read --discharging-- for clarity and consistency, and "an" should be changed to --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Publication 59-188428 (hereafter JP '428) in view of German Publication 36 27 498 (hereafter GP '498).

JP '428 discloses an apparatus for manufacturing sheets of corrugated cardboard with almost every structural limitation of the claimed invention including:

means (e.g., 20, 22 in Fig. 1; 40, 44 in Fig. 3) for supplying stacked sheets;

means (e.g., 26 in Fig. 1; 42 in Fig. 3) for vertically inverting the stacked sheets;

and

means (e.g., the conveyor after or downstream of 26 in Fig. 1; 52 in Fig. 3) for transferring the stacked sheets to at least one of said turning means, said inverting means, and said discharge means;

[claim 4] wherein said sheets comprise films produced by cutting a rolled photosensitive medium to predetermined lengths (i.e., the sheets are not part of the claimed invention, which is directed to a manufacturing apparatus, and do not clearly infer or otherwise define additional structure of the apparatus, and the apparatus of JP '428 is fully capable of performing the functional recitations of this claim).

JP '428 lacks:

means for turning the stacked sheets in a plane thereof; and

means for discharging the stacked sheets.

GP '498 discloses a mechanism (e.g., 1) for aligning packs or stacks, particularly cardboard stacks, that includes a means (e.g., 4) for turning the stacked sheets in a plane thereof, and means (e.g., 2) for discharging the stacked sheets. GP '498 teaches that this mechanism facilitates aligning packs in a given pattern for transfer onto a pallet and eliminates the need for manual aligning to maximize the throughput rate. Therefore, it would have been obvious to one having ordinary skill in the art to provide the mechanism of GP '498 with the device of JP '428 to gain the benefits taught by GP '498.

6. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hommes et al., pn 5,022,297 in view of German Publication 36 27 498 (hereafter GP '498) and/or Wolf et al., pn 4,807,739.

Hommes discloses an apparatus for manufacturing stacks of sheets with almost every structural limitation of the claimed invention including:

means (e.g., 214 in Fig. 7) for supplying stacked sheets;

means (e.g., the structure shown in Fig. 7, and more specifically shown in Figs. 1B ad 2A-2D) for vertically inverting the stacked sheets; and

means (e.g., the conveying structure from which the stack moves from feature 38 as shown in Fig. 7) for transferring the stacked sheets to at least one of said turning means, said inverting means, and said discharge means;

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[claim 2] a cutting unit (e.g., 18, 24, 30, 36) disposed between said supply means and said turning means, for cutting off corners of said sheets;

[claim 4 (from 1)] wherein said sheets comprise films produced by cutting a rolled photosensitive medium to predetermined lengths (i.e., the sheets are not part of the claimed invention, which is directed to a manufacturing apparatus, and do not clearly infer or otherwise define additional structure of the apparatus).

Hommes lacks:

means for turning the stacked sheets in a plane thereof; and

means for discharging the stacked sheets.

GP '498 discloses a mechanism (e.g., 1) for aligning packs or stacks that includes a means (e.g., 4) for turning the stacked sheets in a plane thereof, and means (e.g., 2) for discharging the stacked sheets. GP '498 teaches that this mechanism facilitates aligning packs in a given pattern for transfer onto a pallet and eliminates the need for manual aligning to maximize the throughput rate. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a mechanism (which includes a turning means and a discharging means) with the device of Hommes to gain the benefits taught by GP '498 including those described above.

Further, Wolf discloses a mechanism for turning stacks of sheets that includes a means (e.g., 2) for turning the stacked sheets in a plane thereof, and means (e.g., 3) for discharging the stacked sheets and teaches that it facilitates conveying or delivering stacks such that they are in a desired orientation; for example, to deliver such stacks to a packing or trimming machines without any corrective undertakings; and to ensure

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predictable changes in orientation of successive stacks during such conveying.

Therefore, it would have been obvious to one having ordinary skill in the art to provide such a mechanism (which includes a turning means and a discharging means) with the device of Hommes to gain the benefits taught by Wolf including those described above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/
Primary Examiner, Art Unit 3724**

cfd
June 8, 2009

/Robert P Olszewski/
Director, Technology Center 3700